

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

AMAZON.COM, INC.,)
Plaintiff,)
v.) C.A. No. 1:15-cv-00682-AJT-TCB
STRAIGHT PATH IP GROUP, INC.,)
Defendant.)

)

NOTICE OF FINAL DECISION OF IPR PROCEEDINGS

Pursuant to this Court's Order (Dkt. No. 73), defendant Straight Path IP Group Inc. ("Straight Path") files this statement to notify the Court that, on July 31, 2017, the Court of Appeals for the Federal Circuit issued its final decision upholding the Patent Trial and Appeal Board's Final Written Decisions in three *inter partes* reviews challenging the patents at issue in this case: IPR 2015-00196, Case IPR 2015-00198, and Case IPR2015-00209.

By way of further explanation, Straight Path states as follows:

1. On October 13, 2014, plaintiff Amazon.com, Inc. ("Amazon") brought suit against Straight Path seeking declarations of non-infringement of Straight Path's patents, specifically U.S. Patent Nos. 6,108,704 (the "'704 Patent"); 6,009,469 (the "'469 Patent"); and 6,131,121 (the "'121 Patent") (the "Asserted Patents").
2. By Order of June 25, 2015 (Doc. No. 62) the Court granted a joint motion by Straight Path and Amazon to stay this action pending the resolution of two events: (a) the Federal Circuit's decision on Straight Path's appeal of the Board's Final Written Decision in IPR2013-

00246—an *inter partes* review brought by non-party Sipnet EU S.R.O. challenging the '704 Patent; and (b) the Patent Trial and Appeal Board's final decisions in the IPRs.

3. With respect to the first event contemplated by the Court's June 25, 2015 stay order, the Federal Circuit decided *Straight Path IP Group, Inc. v. Sipnet EU S.R.O.*, No. 2015-1212, on November 25, 2015, reversing the Board's unpatentability determination and remanding for further proceedings. A copy of the Federal Circuit's opinion is attached as Exhibit A.

4. With respect to the second event contemplated by the Court's June 25, 2015 stay order, the Board issued its Final Written Decision in the three IPRs brought by Defendants and Intervenor on May 9, 2016, upholding the patentability of all but three independent challenged claims of the Asserted Patents.¹ A copy of the Board's Final Written Decision is attached as Exhibit B.

5. On May 23, 2016 Amazon moved to continue the stay pending appeal to the Court of Appeals for the Federal Circuit. The Court granted the motion, and continued the stay pending a final decision by the Federal Circuit in *LG Electronics. Inc. v. Straight Path IP Group, Inc.*, Lead Case No. 16-2112. (Doc. No. 73.) It directed the parties to notify the Court within seven days of a final decision.

6. On June 23, 2017 the Federal Circuit affirmed Board's decision upholding the patentability of the Asserted Patent's claims. A copy of the Federal Circuit's Decision is attached hereto as Exhibit C. The mandate was issued on July 31, 2017 (copy attached as Exhibit D), and therefore the Federal Circuit's decision is now final.

7. There are no currently pending IPRs or appeals related to the Asserted Patents.

¹ The IPRs were consolidated for purposes of trial and the Board issued a single Final Written Decision for all three.

August 7, 2017

Respectfully submitted,

/s/ Robert G. Kidwell
(VA Bar No. 47040)
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
701 Pennsylvania Ave. NW,
Suite 900
Washington, DC 20004
Phone: (202) 434-7300
Fax: (202) 434-7400
Email: RGKidwell@mintz.com

/s/ Michael C. Newman
Michael T. Renaud
William A. Meunier
Michael C. Newman
Nicholas W. Armington
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02110
Phone: (617) 542-6000
Fax: (617) 542-2241
MTRenaud@mintz.com
MCNewman@mintz.com
NWArmington@mintz.com
Counsel for Defendant
Straight Path IP Group, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of August, 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to all counsel of record.

/s/ Robert G. Kidwell

(VA Bar No. 47040)
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
701 Pennsylvania Ave. NW,
Suite 900
Washington, DC 20004
Phone: (202) 434-7300
Fax: (202) 434-7400
Email: RGKidwell@mintz.com

**Counsel for Defendant
Straight Path IP Group, Inc.**